

REC'D ROOM

Commissioner's Triestani

Before the
Federal Communications Commission
Washington, DC 20554

APR 12 1999

EX PARTE OR LATE FILED

In the Matter of

Creating a Low-Power Radio Service

APR 12 1 14 PM '99

MM Docket 99-25

Adopted: January 28, 1999

Released: February 3, 1999

Initial Comments Due: April 12, 1999

Reply Comments Due: May 12, 1999

Comments By: Robert T. Wertime

Date: April 5, 1999

PART ONE: LOW-POWER FM RADIO OVERVIEW AND COMMENTARY

The undersigned Commenter is appreciative of the FCC's first inquiry (via this NPRM), which would allow low-power broadcasting, if adopted. However, there are several points of disagreement.

First, there should be no need for FM stations of 100 - 1000 Watts ERP at 60 meters HAAT. Current rules (47 CFR 73.505 - 509) allow NCE-FM stations of 100 - 1000 Watts at 100 meters HAAT.

Second, all LPFM stations (1 through 100 Watts ERP) should be primary. Translators should remain distinctly secondary.

Third, the FCC should use contour methods of allocation, as currently defined in 47 CFR 73.215 and 73.509. Third-adjacency criteria should be dropped, for 1 - 100 Watts ERP (at 100 mtrs).

Fourth, only one LPFM station should be allowed, per owner. Those who control or own one or more AM, FM, or TV stations above 99 Watts should NOT be allowed to own an LPFM station (exception: those who own only one AM daytime station, 500 Watts or less).

Fifth, NO AUCTIONS -- please. A point system should be used, to determine each successful applicant. Where ties occur, resolution should be the responsibility of the qualifying applicants. If there is no resolution within one year of a given date, said applicants should be dismissed with prejudice for one year.

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List A B C D E

PART TWO: BASIC RULE SUGGESTIONS AND INDIRECT COMMENTS

All "Class L" stations should be non-commercial in format (not necessarily educational in the Commercial-FM Band). Editorials should be allowed, but only in the Commercial-FM band. Bandwidth should remain at 200 kHz.

Class LPFM stations could be called "Class L" stations. The former Class D should remain defunct.


EAS should include automatic deference to a local FM station, if not fully implementable at an LPFM station. Keep pirates away -- no Construction Permit applications should be allowed for ten years, after violation of cease-and desist orders.

Local rebroadcasting agreements should be allowed. Omnidirectional antennas should be preferred. Public files should be kept, at all studio locations. Regulatory fees should be reasonable. Tribunal licensing should be certified. Zoning compliance could be demonstrated via three methods: (1) presence of enterprises or offices in the same zone type; or (2) favorable zoning; and (3) non-adverse deed restrictions.

PART THREE: CONCLUSION

"Class L" stations are the answer to massive consolidation, decreased localism and ownership diversity, and energy consumption issues. LPFM will not hurt most full-power stations, if all LPFM stations are non-commercial. Primary status will be needed, in order to insure LPFMs' continuance.

Respectfully,



Robert T. Wertime
Greencastle, PA 17225

Commissioner Ness

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AUDIO SERVICES
DIVISION

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